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PCT/AT2003/000196

PATENT COOPERATION TREATY

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INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference R 41390	<b>FOR FURTHER ACTION</b> See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/AT2003/000196	International filing date (day/month/year) 10 July 2003 (10.07.2003)	Priority date (day/month/year) 22 July 2002 (22.07.2002)
International Patent Classification (IPC) or national classification and IPC B41K 1/02, B41C 1/00		
Applicant COLOP STEMPELERZEUGUNG SKOPEK GESELLSCHAFT M.B.H. & CO. KG.		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.	
2. This REPORT consists of a total of <u>5</u> sheets, including this cover sheet.	
<input checked="" type="checkbox"/>	This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).
These annexes consist of a total of <u>3</u> sheets.	
3. This report contains indications relating to the following items:	
I <input checked="" type="checkbox"/>	Basis of the report
II <input type="checkbox"/>	Priority
III <input type="checkbox"/>	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
IV <input type="checkbox"/>	Lack of unity of invention
V <input checked="" type="checkbox"/>	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
VI <input type="checkbox"/>	Certain documents cited
VII <input type="checkbox"/>	Certain defects in the international application
VIII <input type="checkbox"/>	Certain observations on the international application

Date of submission of the demand 17 February 2004 (17.02.2004)	Date of completion of this report 08 December 2004 (08.12.2004)
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/AT2003/000196

## I. Basis of the report

## 1. With regard to the elements of the international application:\*

- ☐ the international application as originally filed
- ☒ the description:  
pages \_\_\_\_\_ 1-7 \_\_\_\_\_, as originally filed  
pages \_\_\_\_\_, filed with the demand  
pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_
- ☒ the claims:  
pages \_\_\_\_\_, as originally filed  
pages \_\_\_\_\_, as amended (together with any statement under Article 19  
pages \_\_\_\_\_, filed with the demand  
pages \_\_\_\_\_ 1-20 \_\_\_\_\_, filed with the letter of \_\_\_\_\_ 12 October 2004 (12.10.2004)
- ☒ the drawings:  
pages \_\_\_\_\_ 1/3-3/3 \_\_\_\_\_, as originally filed  
pages \_\_\_\_\_, filed with the demand  
pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_
- ☐ the sequence listing part of the description:  
pages \_\_\_\_\_, as originally filed  
pages \_\_\_\_\_, filed with the demand  
pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_

## 2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language \_\_\_\_\_ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

## 3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages \_\_\_\_\_
- ☐ the claims, Nos. \_\_\_\_\_
- ☐ the drawings, sheets/fig \_\_\_\_\_

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).\*\*

\* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).

\*\* Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT 03/00196

## V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

## 1. Statement

Novelty (N)	Claims	1-20	YES
	Claims		NO
Inventive step (IS)	Claims	1-14	YES
	Claims	15-20	NO
Industrial applicability (IA)	Claims	1-20	YES
	Claims		NO

## 2. Citations and explanations

1. US-A-5731033, which is cited in the description, discloses a method for producing a stamp or a printing plate with a surface containing the printing pattern, said surface being produced by applying a liquid, hardenable material to a base in layers.

The subject matter of claim 1 differs therefrom in that the liquid, hardenable material is applied in layers during the printing process.

Therefore, the subject matter of claim 1 is novel within the meaning of PCT Article 33(2).

The purpose of the features of claim 1 is to provide rapid and cost-effective production of stamps and printing plates, even for short production runs.

The searched documents do not, either alone or in combination, render the subject matter with the features of claim 1 obvious for the indicated purpose.

Consequently, claim 1 involves an inventive step

and, along with the advantageous developments of dependent claims 2-14, meets the requirements of PCT Article 33(1) to (4).

2. The present application does not meet the requirements of PCT Article 33(1), because the subject matter of claims 15-20 does not involve an inventive step within the meaning of PCT Article 33(3).

EP-A-0 426 363 (D1) discloses (cf. the references in the search report) a device for producing three-dimensional objects by means of a printing device (1) with a print head (2) with at least one nozzle (4) for layered printing, with a resolution of up to 0.25 mm (cf. column 4, lines 26-36), on a surface (108) that can be moved relative to the print head (2), a dosing device being provided for dosing the quantity of material discharged (cf. claim 1, "means for metering the discharge").

Consequently, the device disclosed in D1 is suitable for and readily able to produce stamps or printing plates according to claim 15.

Therefore, the subject matter of independent claim 15 differs from D1 only in that the substrate, rather than the print head, is movable.

This feature does not lead to any inventive input, since the movement of a print head or a substrate is functionally equivalent and can be selected by a person skilled in the art as needed (cf. DE-A-19931112; column 4, line 67 to column 5, line 2).

Therefore, the subject matter of independent claim 15 does not involve an inventive step.

The same applies to dependent claims 16-20.

D1 also discloses a heating device (84) in the print head, a readjustable cooling device (150), and a connecting point for connecting the printing device to an arithmetic unit (cf. figure 1), which directly renders claims 16, 18 and 20 obvious.

Claims 17 and 19 also fail to go beyond that which a person skilled in the art considers to be standard practice.

3. The expression "or the like" used in the description in conjunction with the stamp and printing plate leads to a lack of clarity in the scope of protection sought and therefore does not meet the requirements of PCT Article 6.